

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2001, PRESIDING

September 17, 2001

A. CALL TO ORDER

The September 17, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President 2001.

The DeSoto County Sheriff James Albert Riley was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach--District 2--ABSENT
Supervisor Gerald Clifton-----District 3
Supervisor John Caldwell-----District 4
Supervisor Tommy Lewis-----District 5
W. E. ASluggo@ Davis-----Chancery Clerk
Sheriff James Albert Riley-----Sheriff
David Armstrong-----County Administrator
William H. Austin, Jr.-----Board Attorney

B. INVOCATION

Supervisor Tommy Lewis presented the invocation.

C. OLD BUSINESS

1. Planning Commission

The Planning Commission brought the following items before the Board of Supervisors as evidenced by the portion of the minutes submitted by the Planning Commission:

- a. Public Hearing for Cleaning of Property @ 10AM**
- b. Misty Oaks Lane / Austin Road Alignment**

****See Exhibit C.1****

D. NEW BUSINESS

1. Walls Health Department – Valeria Robertson

Representative Valeria Robertson appeared before the Board of Supervisors to seek the approval for the County to allow usage of the Health Department building in Walls, MS, for the purpose of establishing a community foundation health care program. Ms.

Robertson said she had inspected the facility with the County Administrator David

ITEM D.1, CONTINUED,

Armstrong, and Supervisor Gerald Clifton. Ms. Robertson said the County could be proud of this facility, and that it was a great facility to be used for a non-profit medical health care clinic for DeSoto County. Ms. Robertson said the Maddox Foundation has pledged money to start this project. Ms. Robertson said they would be working to secure money from grants and foundations for this project.

Ms. Robertson said the people they would serve at the clinic would be people who were not on Medicaid, Medicare, and who had no insurance. They will have to qualify for the medical services. Ms. Robertson said that Melvin Walker, Director of Baptist DeSoto, would help to provide staff for the facility. Ms. Robertson said there are still a lot of areas that have to be covered.

Supervisors John Caldwell asked what legal arrangements have been made. Ms. Robertson asked the Board of Supervisors to approve a resolution for the use of the building for a period of time. The facility will be funded by local and private organizations. Ms. Robertson said the lawyers are working on all of the legal matters and that it would be the spring of 2002 before this could be set up. The first step was to made a determination on the building and for the Board of Supervisors to make a resolution to the State. The Community Health Department takes care of well babies, but this facility will be an extension to take care of sick children who qualify for the services.

Board Attorney Bobby Chamberlin said a sample resolution that the Board of Supervisors could use, that meets the State requirements for local and private use will be forwarded for the Board’s approval.

Ms. Robertson said everything is still in a preliminary state. She has to register with the State and obtain a pin number. Supervisor John Caldwell stated that if the Board of Supervisors votes on a resolution, it is public knowledge so this project will be made public. Supervisor Jessie Medlin asked to what extent the health care will be offered. Ms. Robertson said it would offer primary health care. There will be staff and a director hired for the facility.

Ms. Robertson said the County provides the utilities for the building now and she would ask for this to still be the case in the future. David Armstrong said one utility meter supplies this building and the library building.

Ms. Robertson said she has data on a clinic in Monroe County that does community health care and they handle between 600 and 800 people. Ms. Robertson said she would be doing a feasibility study for the project.

Supervisor Jessie Medlin asked what would happen if down the road the County needs this building. Ms. Robertson said they would then look for another source to provide a building.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion for the County Administrator and the Board Attorney to draft a resolution for the Community Health Care Program in DeSoto County and to bring back to the Board of Supervisors. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

ITEM D, CONTINUED,

2. Approval of Contract with Mid State Opportunity, Inc.

County Administrator David Armstrong said the County has received a Memorandum of Understanding Agreement for FY2002 from Mid-State Opportunity, Inc. David Armstrong said this MOU is the same as last year's agreement. David Armstrong said the Board of Supervisors did approve a budget in the amount of \$76,000 for FY02 to Mid-State Opportunity. The Board Attorney has looked over the agreement and found everything is in order.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the Memorandum of Understanding Agreement for FY 2002 between Mid-State Opportunity and the DeSoto County Board of Supervisors. The motion passed by a vote as follows:

Supervisor Jessie Medlin	NO
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.2****

3. Approval of Vending Machine Contract – L & J Vending Inc.

County Administrator David Armstrong said the local operator of the vending machines used in the County buildings has opted to not go forward with his service. The County has received a quote from L & J Vending Inc., where the County will receive a 10% return on all vending machines and the cokes will remain at \$.50. David Armstrong said he recommends the contract that would start October 4, 2001 and expire on December 31, 2003.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion that at the recommendation of the County Administrator to approve the contract with L&J Vending Inc., to be effective October 4, 2001 and expire July 31, 2003. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.3****

4. Tax Assessor – Contract Renewal with Bill Bryant

County Administrator David Armstrong said DeSoto County has worked with Bill Bryant as a Tax Appraiser since 1992. David Armstrong said Mr. Bryant has three contracts, for three areas of service, personal property, mapping and real property. The contract fee for real property is \$50,000, the contract fee for mapping is \$5,000 and the contract fee for personal property is \$5,000, which is a total proposal fee in the amount of \$60,000.00 the same as FY01.

David Armstrong said the parcels in DeSoto County have increased 4.3% in 2001.

Bill Bryant said the contract is a Standard State Tax Assessor Agreement and that he is

ITEM D.4, CONTINUED,

an independent contractor with no employees. Board Attorney Bobby Chamberlin said there are certain paragraphs in the contract that are not pertinent and need to be taken out of the contract. Supervisor John Caldwell asked if the liability insurance was required to protect him and the County. Bobby Chamberlin said it was up to the Board of Supervisors to handle professional employee contracts and make the decision. Bobby Chamberlin said he would have to look at the statute regarding the requirement for a bond. Supervisor John Caldwell asked the likely hood of problems on assessments.

Bill Bryant said he would obtain the bond, but whatever the cost would be, he would like to add onto the contract fee. David Armstrong said the Board would meet on September 24, this would give the Board Attorney and Bill Bryant time to check out the bond requirement.

Supervisor John Caldwell asked if this contract states we are going to comply with the State Tax Commission mandate for reappraisals. Bill Bryant said no that the dates in the contract are tax year end dates.

Bobby Chamberlin said the Mississippi Code 27-35-165 states all contracts contracting with private firms for performance of the work, shall require that the contractor furnish a payment and performance bond in the amount not less than 100% of the contract price, which bond shall be conditioned, in part, to guarantee successful completion of the contract and may be conditioned upon payment of the cost of defense of any suits which may be brought against the County, the Board of Supervisors or the assessor arising out of such reappraisal for a period of one year after completion thereof.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to carry this item over until September 24, 2001 Board meeting. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.4****

5. Legislative Wish List

County Administrator David Armstrong said the Board should start compiling a list of requests to be presented to the Legislative Committee. David Armstrong said he would try to schedule the presentation to the committee in October. Board Attorney Bobby Chamberlin said the last meeting in October would allow the Board time to work up their requests. Supervisor Tommy Lewis said the Board has been put on notice.

6. Approval of Memorandum of Understanding Contract with Brentwood Originals

County Administrator David Armstrong said the Board of Supervisors has a copy of the Memorandum of Understanding Contract with Brentwood Originals. This company is desirous of acquiring land for the construction of a new building for its manufacturing and distribution activities in the Village of Memphis in DeSoto County. The project will represent the relocation and the expansion of an existing operation in the County, and upon completion, will cause the retention of 250 jobs and create approximately 25 new jobs in the County.

David Armstrong said the Memorandum of Understanding is made by and among the

ITEM D.6, CONTINUED,

State of Mississippi acting by and through the Mississippi Development Authority (MDA), the Mississippi Business Finance Corporation (MBFC), DeSoto County, Mississippi, DeSoto County Regional Utility Authority, the Village of Memphis, Mississippi, Saturn Investment Corp., Saturn Development, Inc. and U. S. Development, Inc. and Bomaine Corporation d/b/a Brentwood Originals.

David Armstrong said the Board of Supervisor has previously agreed to a 10-year tax exemption to Brentwood Originals. The memorandum explains the obligations of all parties involved with this project and the main change to the County is regarding an agreement between the Regional Utility Authority and the landowner. The landowner is asking the Utility Authority to agree to give a credit in favor of the landowner for the value of the land donated and the value of the sewer treatment permit donated to the Village of Memphis and DeSoto County for the Utility Authority, to be applied against any assessment levied by the Utility Authority against the landowner. David Armstrong said the Board Attorney has looked over the agreement and approved.

Supervisor Tommy Lewis said if there is an assessment amount up to the donation value of the land or if there is a levy tax per acre, this landowner would be exempt based on his donation of land. David Armstrong said the Utility Authority has not approved the agreement yet. Supervisor Jessie Medlin asked to run a schedule of the road and bridge and school tax to see what the amount comes to. Supervisor Tommy Lewis asked Bill Bryant, Contracted Tax Appraiser, what the school, road and bridge tax would be on a \$10,000,000 facility. Bill Bryant said \$75,000, maybe less.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to approve the Memorandum of Understanding for Brentwood Originals. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.6****

7. Approval to Accept Executed Agreement with MDEQ into Minutes

County Administrator David Armstrong said the Agreement with MDEQ for the hazardous waste disposal needs to be signed by the Board President and made part of the Board minutes. Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the Board President to sign the Agreement with MDEQ and to make it part of the Board minutes. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.7****

8. Authorization for Comptroller to do Budget Amendments for 2001 Year End

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the

motion to authorize the Comptroller to make final budget amendments for FY2001 and
ITEM D.8, CONTINUED,

present the final budget to the Board of Supervisors for approval at a later date as allowed by State law. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

9. Prices – GIS

County Administrator David Armstrong said Sam Russell was present to discuss the GIS prices that the Board had been given to take under advisement. Supervisor Tommy Lewis said he needed more time to go over the information. Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to carry over this item until the September 24, 2001 Board Meeting. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.9****

10. Interlocal Agreement City Tax Collector

County Administrator David Armstrong said Joey Treadway, Tax Collector, Parker Pickle, Tax Assessor, Mayor of Southaven Greg Davis, Mayor of Horn Lake Mike Thomas, Mayor of Hernando Ed Gale, and Mayor of Olive Branch Sam Rikard were all present today to discuss the Interlocal Agreement for tax collections by the County.

Joey Treadway said eight months ago the contract negotiations with the Cities began. The County collects all taxes for the Cities with a fee of 3% on collected taxes. Due to the growth and annexation of the Cities, they now have 69.7% of the taxing property and the unincorporated areas have the remaining balance of 30.3%. At the rate the Cities are growing the City of Southaven alone would pay the County \$240,000 for this coming year taxes. The Cities net tax collections this year was \$407,000. David Armstrong said the County collects interest on these tax dollars.

Joey Treadway said the Mayor of Olive Branch has received an Attorney General's opinion regarding the increase in salary for the Tax Collector and Tax Assessor, where these Cities can pay directly to the Tax Collector and Tax Assessor a fee for their City's collections and duties. The Interlocal Agreement with the Cities calls for the County to collect 3% of collected taxes with a cap per city in the amount of \$100,000 and the Cities will pay a \$.50 per parcel collected by the Tax Collector and Tax Assessor, with a cap of \$5,000 per City.

Supervisor Tommy Lewis asked what is the difference in this agreement and what the County has now. David Armstrong said the County would have a cap of \$10,000. Joey Treadway said the collection for the City of Southaven this year was \$140,000 and for the City of Olive Branch it was \$98,000. Supervisor Jessie Medlin said the City can directly pay the Tax Collector and Tax Assessor with this agreement. Joey Treadway said he would rather be paid twelve months at the same amount. Joey Treadway said the County can take the \$.50 per parcel out for the City like they do the 3% for the County.

ITEM D.10, CONTINUED,

Mayor Rikard said this agreement is good for the County without a lot of cost to it, but they will have to see what is cost effective for the City. This is a service to the City at this time. Supervisor John Caldwell said, on the sliding scale, if the cost of living goes up this would change. Mayor Rikard said this would give us nine months to renegotiate the contract. Joey Treadway said the 3% was the fairest break even amount at this time. Supervisor Caldwell said the 3% is fair and cost prohibited to the City, due to the same level of convenience. If the cost of living goes up this would then be less attractive to the Cities.

Mayor Sam Rikard said the Cities are requesting the Board of Supervisors to adopt this agreement. It is important that the areas of government work together for all involved. Mayor Greg Davis said the Cities need for the Board to make a decision on this agreement, because if the Cities have to start collecting taxes, which they did not budget for, we will have to go back and redo their budget for the coming year.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to take the Interlocal Agreement for the Cities and Tax Collector and Tax Assessor under advisement and bring back to the Board meeting on October 1, 2001. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit D.10****

E. EXECUTIVE SESSION

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

F. OTHER ISSUES

1. Waggoner Engineering Agreement – Brentwood Originals

County Administrator David Armstrong said the Board of Supervisors need to approve the contract for Waggoner Engineering to be the engineer for the Brentwood Originals project. Supervisor Tommy Lewis requested this item be carried over. Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to carry this item over. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

The Board of Supervisor reviewed the Waggoner Engineering Agreement and Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to approve the Waggoner Engineering Agreement as the engineer for the Brentwood Originals project. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
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Supervisor Eugene Thach ABSENT

ITEM F.1, CONTINUED,

Supervisor Gerald Clifton YES
Supervisor John Caldwell YES
Supervisor Tommy Lewis YES

****See Exhibit F.1****

2. Chancery Clerk Allowances

County Administrator David Armstrong presented an order of Allowances for the Chancery Clerk’s office to the Board of Supervisors for the September 2001 term in the amount of \$1,316.66. Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve these payments, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a vote as follows:

Supervisor Jessie Medlin YES
Supervisor Eugene Thach ABSENT
Supervisor Gerald Clifton YES
Supervisor John Caldwell YES
Supervisor Tommy Lewis YES

****See Exhibit F.2****

3. Fairview Road East

Supervisor Jessie Medlin said he had talked with Daniel Murphy and Kenny Gunn regarding the adding Fairview Road East to the 2001 Overlay Contract. Supervisor Medlin said Daniel Murphy said the cost would be \$40,000 to pave the one-mile of road and suggested the Board of Supervisors amend the 2001 Overlay Contract to add Fairview Road East to avoid the extra cost of going back to this small portion of road on another contract, when the contractor is in the area now.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to amend the 2001 Overlay Contract to add the one-mile of Fairview Road East. The motion passed by a vote as follows:

Supervisor Jessie Medlin YES
Supervisor Eugene Thach ABSENT
Supervisor Gerald Clifton YES
Supervisor John Caldwell YES
Supervisor Tommy Lewis YES

4. Brattonwood Cove

Supervisor John Caldwell advised Supervisor Gerald Clifton that he was a member of the committee to look at Brattonwood Cove and requested he make a recommendation to the Board regarding the request for the County to abandon the road. No other actions were taken on this item.

5. Tax Parcel Sale

Tax Collector Joey Treadway presented the Board of Supervisors a request for authorization to refund money that was collected for property taxes for 1998, 1999, and 2000 on parcel number 1087-3500.0-00023.01. The name, Nancy M. Langan , which was the name listed for the property was incorrect. David Armstrong asked what

amount was involved. Joey Treadway said anywhere from 10 to 12 thousand dollars.
Joey

ITEM F.5, CONTINUED,

Treadway said the County will refund the buyers at the Tax Sales and the property owner will pay the taxes.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to accept the findings of the Tax Collector and to authorize the refund of taxes collected at the Tax Sales on parcel number 1087-3500.0-00023.01. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit F.5****

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to recess until Monday September 24, 2001 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	ABSENT
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

THIS the 17^H. Day of September 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors